THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): (a) to (c) Safeguards against arbitrary lay off is provided to the workmen under the provisions of Chapter V-A and V-B of the Industrial Disputes Act, 1947. Section 25 C of Chapter V-A provides the right of workers laid-off for compensation. As per the provisions laid down in the Chapter V-B of the ID Act, 1947, for the industrial establishments employing not less than 100 workers, prior approval of the appropriate Government is required before effecting lay off.

Regarding protection against reduction of salary and wages, workmen can raise industrial dispute under the Industrial Disputes Act, 1947.

Ratification of ILO convention 87 and 98

1821. SHRI RAMA CHANDRA KHUNTIA: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government is not ratifying the International Labour Organisation (ILO) convention 87 and 98;

(b) how many countries have ratified these two conventions; and

(c) whether in the changing scenario Government will reconsider for ratifying the ILO convention 87 and 98?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): (a) and (c) Sir, at present, Government is not considering the ratification of the ILO convention No. 87 and 98.

(b) Government No. 87 and 98 has been ratified by 149 and 159 countries respectively.

Retrenchment of workers due to economic recession

1822. SHRI K. CHANDRAN PILLAI: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether it is a fact that companies resorted to retrenching workers as a result of the economic recession;

(b) if so, the details thereof;

(c) whether Government has any mechanism to monitor the job loss of workers in the private sector; and

(d) if so, the details of the number of workers retrenched during the last three months?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): (a) and (b) No exhaustive survey/study has been conducted regarding retrenchment of employees due to economic slowdown. However, a sample study conducted (for the period August-October, 2008) by Department off Commerce for 121 export

related companies belonging to several sectors; primarily employment oriented sectors like textiles including garments, leather, engineering, gems and jewellery, handicrafts, food and food processing, minerals and marine products revealed loss of Jobs of around 65,500.

(c) Labour Bureau, Shimla compiles data with regard to job loss of workers in the organized sector (both in private and public sector) based on the returns submitted by the State and Central agencies.

(d) The details of the number of workers retrenched during the last three months are not available.

Companies defaulting in contribution to EPF

1823. SHRI KALRAJ MISHRA: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether as reported in the Indian Express of Nov. 11, 2008, companies have been found to have defaulted in contributing to Employees Provident Fund, resulting in piling up of arrears to over Rs. 26.00 crore;

(b) if so, the steps taken to ensure regular contributions to EPF companies; and

(c) the reasons and circumstances leading to accumulation of such high arrears of EPF, to the detriment of the fund and the employees?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): (a) and (b) Yes, Sir. The following actions were taken by the Employees' Provident Fund Organization against the defaulting establishments for recovery of Provident Fund dues:—

(i) Assessment of dues under section 7A of the Employees' Provident Funds and Miscellaneous provisions Act, 1952;

(ii) Recovery action under section 8 of the Act/II and III Schedule to Income Tax Act;

(iii) Action under section 14B of the EPF and MP Act, 1952 for levy of damages for belated remittances;

(iv) Prosecution cases under section 14 of the Act;

(v) FIR under section 406/409 of the Indian Penal Code filed with the police authorities in respect of employees' share of default;

(vi) Action under section 110 of Criminal Procedure Code for filing applications before Executive Magistrate against persistent defaulters to execute bond for rendering good behaviour; and

(vii) Recovery of interest under section 7Q of the Act.

(c) As on 31.3.2008, out of the total default of Rs. 2846.58 crore, an amount of Rs. 2185.07 crore falls under not-immediately-realizable-category, which cannot be recovered